



---

## OFFICE MEMORANDUM

---

**DATE:** April 13, 1999

**TO:** Region Engineers  
Region Associate Delivery Engineers  
Region Construction Engineers  
TSC Managers  
Resident/Project Engineers

**FROM:** C. Thomas Maki  
Chief Operations Officer

Gary D. Taylor  
Chief Engineer/Deputy Director  
Bureau of Highway Technical Services

**SUBJECT:** Bureau of Highway Instructional Memorandum 1999-7  
Extending Project Limits on Existing Projects

Construction projects should never be extended beyond their original project limits. Proper scoping should eliminate any need for project limit extensions.

If an extension is absolutely necessary, projects can be extended for additional work less than \$100,000 using existing contract modification procedures.

When extending project limits for additional work greater than \$100,000, the following procedures are to be used. These procedures are based on information provided by our Office of Attorney General, and requirements set forth by the State Transportation Commission and the State Administration Board.

According to Section C of Michigan Public Act 52, as amended by Enrolled Senate Bill 303 of 1997, construction and maintenance project extensions for additional work over \$100,000 on existing contracts must be competitively bid and approved by the State Transportation Commission and the State Administrative Board before work is started.

An exception exists only where the department *"affirmatively finds under the circumstances relating to those projects, some other method is in the public interest."* However, MDOT must give 90 days notice to the State Transportation Commission **before work is started** on projects that qualify for the exception. An exception to the notice requirement applies only if *"the department determines emergency action is required."*

Accordingly, to extend an existing project outside of the contract limits requires compliance with these procedures. The department must either document why it is in the public's interest

or determine that emergency action is required. The region engineer must provide documentation that sets forth the public interest findings, or justification for an emergency determination. The Recommendation and associated documents must be provided to the Construction and Technology Division for processing with enough lead time for review by the Attorney General and placement on the next available Transportation Commission and Administrative Board agenda. To stay in compliance with Michigan law, no exceptions to this procedure are allowed.

If you have any questions, please contact your Lansing Construction and Technology area engineer or Rod Collins at 517-373-2308 for any further explanations.

---

Chief Operations Engineer

---

Bureau of Highway Technical Services

BOHTS:C&T:PAL:jp

Subject Index: Contracts, Subcontracts

cc: Lansing C&T Division Engineers	FHWA - J. Steele	J. Culp
Lansing C&T Division Technicians	FHWA - J. Wiesner	J. Staton
Maintenance, C. Roberts	MAPA	D. Smiley
Real Estate Division, M. Frierson	MCA	J. Culp
Design Division, P. Miller	MCPA	R. Till
G. Taylor	MAA	R. Endres
B. Jay	MRBA	T. Hynes
T. Maki	AUC	G. Mayes
V. Blaxton	CRAM	P. O'Rourke
J. Reincke		D. Smiley
R. Knapp		K. Trentham
S. Kulkarni		A. Suber
J. Klee		P. Rang
J. Ruszkowski		L. Galehouse